

## Message Text

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ORIGIN PM-07

INFO OCT-01 EUR-25 IO-13 ADP-00 ACDA-19 CIAE-00 DODE-00

INR-10 L-03 NSAE-00 NASA-04 NSC-10 RSC-01 SCI-06 /099 R

DRAFTED BY PM/ AE: ARTURRENTINE/ DS

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APPROVED BY PM/ AE: HGHANDYSIDE

IO/ UNP- MR. SCULLY( SUBS)

EUR/ CAN- MR. SCHNEIDER( SUBS)

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R 142314 Z JUN 73

FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK

INFO AMEMBASSY MOSCOW

AMEMBASSY OTTAWA

AMEMBASSY PARIS

C O N F I D E N T I A L STATE 116315

E. O. 11652: GDS

TAGS: PFOR, TSPA, MILI, UN, CA, FR, UR

SUBJECT: OUTER SPACE LEGAL: REGISTRATION CONVENTION

REF: STATE MEMCON ( HANDYSIDE- SEYMOUR) MAY 17, 1973

1. REF MEMCON REPORTED CANADIAN REQUEST THAT USG REEXAMINE ITS POSITION ON MARKING SPACE OBJECTS WITH A VIEW TOWARD INCLUDING SOME FORM OF MARKING REQUIREMENT IN SPACE REGISTRATION CONVENTION. NEGOTIATIONS ON CONVENTION ARE EXPECTED TO BE RESUMED DURING MEETING OF UN OUTER SPACE COMMITTEE WHICH STARTS JUNE 25 IN NEW YORK.

2. AFTER COORDINATION WITHIN STATE AND AMONG INTERESTED AGENCIES, PM/ AE DIRECTOR CALLED IN SEYMOUR ( COUNSELOR, CANADIAN EMBASSY) ON JUNE 13 AND PRESENTED FOLLOWING USG REACTION:

A. USG HAS TAKEN CAREFUL AND SEARCHING LOOK AT  
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CANADIAN PROPOSAL OF MAY 17 AND REMAINS CONVINCED THAT A MEANINGFUL MARKING SYSTEM CANNOT BE JUSTIFIED AT THIS TIME IN VIEW OF TECHNICAL AND COST FACTORS. WE FORESEE NO DEVELOPMENTS WHICH WILL CAUSE THIS SITUATION TO CHANGE IN THE NEXT 8-10 YEARS.

B. WE UNDERSTAND AND APPRECIATE CANADIAN EFFORTS TO FIND SOME COMPROMISE SUCH AS A POSSIBLE TOKEN MARKING

REQUIREMENT. ( FYI: TOKEN MARKING: PAINTING REGISTRATION NUMBER OR MARK ON ONE OR MORE OF THE LAUNCH VEHICLE STAGES AND/ OR ON SPACE CRAFT. SUCH MARKING WOULD BE PURELY " SYMBOLIC" SINCE IT WOULD RARELY, IF EVER, SURVIVE REENTRY AND THEREFORE WOULD NOT FACILITATE IDENTIFICATION OF SPACE OBJECT WHICH HAS IMPACTED ON SURFACE OF EARTH AND CAUSED INJURY OR DAMAGE. END FYI)

C. HOWEVER, THE USG IS NOT PREPARED TO ACCEPT A TECHNICALLY USELESS MARKING SYSTEM WHICH WOULD NOT CONTRIBUTE TO THE IDENTIFICATION OF SPACE OBJECTS. WE ARE UNABLE TO PERCEIVE WHAT LEGAL OR POLITICAL OR TACTICAL OBJECTIVES SUCH A TECHNICALLY MEANINGLESS SYSTEM WOULD SERVE.

D. WE BELIEVE THAT IT WOULD DEVALUE THE REGISTRATION CONVENTION TO INCLUDE MEANINGLESS PROVISIONS SUCH AS A TOKEN MARKING REQUIREMENT, AND THAT IT COULD ALSO MAKE IT DIFFICULT FOR THE USG TO OBTAIN SENATE APPROVAL OF PRO- JECTED TREATY. TO INCLUDE A PATENTLY USELESS MARKING PROVISION COULD DISCREDIT THE WHOLE EXERCISE IN THE EYES OF THE US SENATE FOREIGN RELATIONS COMMITTEE, THE GROUP WHICH THE EXECUTIVE BRANCH MUST CONVINCE THAT THE REGIS- TRATION CONVENTION IS A WORTHWHILE INTERNATIONAL TREATY.

E. FURTHER, WE BELIEVE THAT IT WOULD BE A SERIOUS TACTICAL MISTAKE TO PROPOSE TO INCLUDE A VOLUNTARY MARKING PROVISION IN THE CONVENTION. TO DO SO COULD LEAD TO REOPENING DEBATE ON OTHER MANDATORY REQUIREMENTS AND MAKING THEM VOLUNTARY AS WELL.

F. HOWEVER, WE DO SEE A WAY TO ACCOMMODATE THE  
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INTERESTS OF THOSE WHO ADVOCATE MARKING. IT MAY BE POSSI- BLE FOR THE USG TO AGREE TO INCLUDING A REVIEW CLAUSE IN THE CONVENTION IN RETURN FOR DROPPING ALL MENTION OF MARKING. WITH SUCH A CLAUSE IN THE CONVENTION, IT WOULD BE POSSIBLE IN THE FUTURE TO INCORPORATE A MEANINGFUL, MANDATORY MARKING PROVISION IF AND WHEN IT WERE TO BE TECHNICALLY AND ECONOMICALLY FEASIBLE.

3. SEYMOUR ASKED IF US BELIEVES IT POSSIBLE TO CONCLUDE REGISTRATION CONVENTION AT UPCOMING OUTER SPACE COMMITTEE SESSION. EPOFF RESPONDED THAT ONLY A FEW ISSUES REMAIN UNRESOLVED AND THAT COMPLETION OF THE REGISTRATION CONVENTION IS WELL WITHIN REALM OF POSSIBILITY, ESPECIALLY IF TREATY ON MOON AND OTHER CELESTIAL BODIES ( TOM) ALSO CONCLUDED. USSR HAS INDICATED THAT IT WILL NOT AGREE TO REGISTRATION CONVENTION WITHOUT TOM. US DOES NOT SHARE THIS CONCEPT OF LINKAGE BUT BELIEVES EACH SHOULD BE CONSIDERED

ON ITS OWN MERITS.

4. SEYMOUR ASKED IF WE WOULD BE WILLING TO DISCUSS REGISTRATION ISSUE WITH DAVID MILLER ( CHIEF, LEGAL OPERATIONS DIVISION, CANADIAN DEPARTMENT OF EXTERNAL AFFAIRS) IF HE INDICATES DESIRE TO CONFER IN WASHINGTON PRIOR TO OUTER SPACE COMMITTEE MEETING. DEPOFF REPLIED THAT THERE SHOULD BE AMPLE OPPORTUNITY FOR US AND CANADIAN DELS TO CONFER ON REGISTRATION ISSUE IN NEW YORK AT OUTER SPACE COMMITTEE SESSION, BUT THAT IF MR. MILLER WISHES TO DISCUSS ISSUE IN WASHINGTON, WE WOULD BE DELIGHTED, AS ALWAYS, TO SEE HIM. PORTER

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